



Reprinted
April 15, 2009

ENGROSSED HOUSE BILL No. 1286

DIGEST OF HB 1286 (Updated April 14, 2009 3:26 pm - DI 92)

Citations Affected: IC 4-32.2; IC 4-36; IC 35-45.

Synopsis: Gaming in taverns. Specifies the manner in which qualified drawings may be conducted. Amends the definition of "qualified organization" to enable an organization that reorganizes or changes its name to obtain, if certain conditions are met, a charity gaming license under the new name. Specifies when a festival worker may participate as a player in gaming activity offered at the festival. Provides that identifying information of an operator or a worker submitted to the gaming commission on an application for a license is confidential. Provides that only fraternal and veteran organizations may apply for an annual charity game night license. Specifies that a facility or location may not be used or rented for purposes of conducting an annual charity game night event on more than three calendar days per calendar week. Provides for a new retailer's endorsement renewal fee schedule and provides that the fee be submitted with the renewal form.

Effective: Upon passage; July 1, 2009.

Van Haaften, Tyler, Bell, Messmer
(SENATE SPONSORS — ALTING, DEIG, SKINNER)

January 13, 2009, read first time and referred to Committee on Public Policy.
February 19, 2009, amended, reported — Do Pass.
February 23, 2009, read second time, ordered engrossed. Engrossed.
February 24, 2009, read third time, passed. Yeas 89, nays 8.

SENATE ACTION

March 2, 2009, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.
April 2, 2009, amended, reported favorably — Do Pass.
April 14, 2009, read second time, amended, ordered engrossed.

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EH 1286—LS 6801/DI 92+



Reprinted
April 15, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1286

A BILL FOR AN ACT to amend the Indiana Code concerning charitable and type II gaming issues.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-32.2-2-7.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: **Sec. 7.5. "Bona fide fraternal**
4 **organization" means a type of bona fide civic organization that:**
5 **(1) is a branch, lodge, or chapter of a national organization;**
6 **and**
7 **(2) exists for the common charitable purposes, brotherhood,**
8 **or other interests of its members.**
9 SECTION 2. IC 4-32.2-2-23.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2009]: **Sec. 23.5. "Qualified drawing" means**
12 **a random drawing to award one (1) or more prizes that is**
13 **conducted in the manner required by IC 4-32.2-5-24.**
14 SECTION 3. IC 4-32.2-2-24, AS AMENDED BY P.L.227-2007,
15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2009]: **Sec. 24. (a) "Qualified organization" ~~means:~~ refers to**
17 **any of the following:**

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(1) A bona fide religious, educational, senior citizens, veterans, or civic organization operating in Indiana that:

(A) operates without profit to the organization's members;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) **satisfies at least one (1) of the following requirements:**

(i) The organization has been continuously in existence in Indiana for at least five (5) years. ~~or~~

(ii) The organization is affiliated with a parent organization that has been in existence in Indiana for at least five (5) years.

(iii) The organization has reorganized and is continuing its mission under a new name on file with the Indiana secretary of state and with a new tax identification number after having satisfied the requirements set forth in either item (i) or (ii).

(2) A bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code). ~~or~~

(3) A state educational institution (as defined in ~~IC 20-12-0.5-1~~; **IC 21-7-13-32**).

(b) For purposes of IC 4-32.2-4-3, a "qualified organization" includes the following:

(1) A hospital licensed under IC 16-21.

(2) A health facility licensed under IC 16-28.

(3) A psychiatric facility licensed under IC 12-25.

(4) An organization defined in subsection (a).

(c) For purposes of IC 4-32.2-4-10, a "qualified organization" includes a bona fide business organization.

(d) Evidence that an organization satisfies subsection (a)(1)(C)(iii) includes:

(1) evidence of the organization's continued use of a service mark or trademarked logo associated with the organization's former name;

(2) evidence of the continuity of the organization's activities as shown in the federal income tax returns filed for the organization's five (5) most recent taxable years;

(3) evidence of the continuity of the organization's activities as shown by the five (5) most recent annual external financial reviews of the organization prepared by a certified public accountant; or

(4) any other information considered sufficient by the

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1 **commission.**

2 SECTION 4. IC 4-32.2-4-7.5, AS ADDED BY P.L.227-2007,
3 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2009]: Sec. 7.5. (a) ~~Subject to~~ **This section applies only to a**
5 **qualified organization described in** subsection (h). The commission
6 may issue an annual charity game night license to a qualified
7 organization if:

- 8 (1) the provisions of this section are satisfied; and
9 (2) the qualified organization:

10 (A) submits an application; and

11 (B) pays a fee set by the commission under IC 4-32.2-6.

12 (b) The commission may hold a public hearing to obtain input on
13 the proposed issuance of an annual charity game night license to an
14 applicant that has never held an annual charity game night license
15 under this article.

16 (c) The first time that a qualified organization applies for an annual
17 charity game night license, the qualified organization shall publish
18 notice that the application has been filed by publication at least two (2)
19 times, seven (7) days apart, as follows:

- 20 (1) In one (1) newspaper in the county where the qualified
21 organization is located.
22 (2) In one (1) newspaper in the county where the allowable events
23 will be conducted.

24 (d) The notification required by subsection (c) must contain the
25 following:

- 26 (1) The name of the qualified organization and the fact that it has
27 applied for an annual charity game night license.
28 (2) The location where the charity game night events will be held.
29 (3) The names of the operator and officers of the qualified
30 organization.
31 (4) A statement that any person can protest the proposed issuance
32 of the annual charity game night license.
33 (5) A statement that the commission shall hold a public hearing
34 if ten (10) written and signed protest letters are received by the
35 commission.
36 (6) The address of the commission where correspondence
37 concerning the application may be sent.

38 (e) If the commission receives at least ten (10) protest letters, the
39 commission shall hold a public hearing in accordance with IC 5-14-1.5.
40 The commission shall issue a license or deny the application not later
41 than sixty (60) days after the date of the public hearing.

42 (f) A license issued under this section:

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(1) may authorize the qualified organization to conduct charity game night events on more than one (1) occasion during a period of one (1) year;

(2) must state the locations of the permitted charity game night events;

(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(g) Notwithstanding subsection (f)(4), the commission may hold a public hearing for the reissuance of an annual charity game night license if at least one (1) of the following conditions is met:

(1) An applicant has been cited for a violation of law or a rule of the commission.

(2) The commission receives at least ten (10) protest letters concerning the qualified organization's charity game night operation.

(3) A public hearing is considered necessary by the commission.

(h) ~~Notwithstanding IC 4-32.2-2-24, this section applies only to: A qualified organization may apply for an annual charity game night license under this section if the qualified organization is:~~

~~(1) a bona fide civic fraternal organization; or~~

~~(2) a bona fide veterans organization;~~

~~that has been continuously in existence in Indiana for ten (10) years. A qualified organization that is not described in this subsection may not apply for an annual charity game night license under this section.~~

~~(i) A facility or location may not be used for purposes of conducting an annual charity game night event on more than three (3) calendar days per calendar week regardless of the number of qualified organizations conducting an annual charity game night event at the facility or location.~~

SECTION 5. IC 4-32.2-4-13, AS AMENDED BY P.L.95-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) A bingo license or special bingo license may also authorize a qualified organization to conduct raffle events and door prize drawings and sell pull tabs, punchboards, and tip boards at the bingo event.

(b) A charity game night license may also authorize a qualified organization to:

(1) conduct raffle events and door prize drawings; and

(2) sell pull tabs, punchboards, and tip boards;

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at the charity game night.

(c) A raffle license or an annual raffle license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the raffle event.

(d) A door prize license or an annual door prize license may also authorize a qualified organization to conduct a raffle event and to sell pull tabs, punchboards, and tip boards at the door prize event.

(e) A PPT license may also authorize a qualified organization to conduct ~~at any time~~ on the premises described in section 16.5(b) of this chapter ~~a winner take all drawing in which the qualified organization retains no portion of the amounts wagered. The total amount awarded to a patron who participates in a winner take all drawing may not exceed three hundred dollars (\$300).~~ **drawings and other qualified drawings in the manner required by IC 4-32.2-5-24.**

SECTION 6. IC 4-32.2-5-8, AS AMENDED BY P.L.227-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) ~~If facilities are a facility or location is~~ leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

(b) **Subject to the additional restrictions on the use of a facility or location that are set forth in IC 4-32.2-4-7.5(i),** a facility or location may not be rented for more than three (3) days during a calendar week for an allowable event.

(c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

SECTION 7. IC 4-32.2-5-14, AS AMENDED BY P.L.95-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) **Except as provided by subsection (c),** an operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable event that the operator or worker is conducting.

(b) A patron at a charity game night may deal the cards in a card game if:

- (1) the card game in which the patron deals the cards is a game of euchre;
- (2) the patron deals the cards in the manner required in the ordinary course of the game of euchre; and
- (3) the euchre game is played under the supervision of the qualified organization conducting the charity game night in accordance with rules adopted by the commission under IC 4-32.2-3-3.

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A patron who deals the cards in a euchre game conducted under this subsection is not considered a worker or an operator for purposes of this article.

(c) A worker at a festival event may participate as a player in any gaming activity offered at the festival event except as follows:

(1) A worker may not participate in any game during the time in which the worker is conducting or helping to conduct the game.

(2) A worker who conducts or helps to conduct a pull tab, punchboard, or tip board event during a festival event may not participate as a player in a pull tab, punchboard, or tip board event conducted on the same calendar day.

SECTION 8. IC 4-32.2-5-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) A qualified drawing must be conducted in the manner required by this section.

(b) A qualified drawing is subject to the following rules and limitations:

(1) The purchase price for a chance to win a prize in a qualified drawing may not exceed five dollars (\$5).

(2) The total value of all prizes that may be won in a particular qualified drawing may not exceed three hundred dollars (\$300) for any of the following:

(A) A daily drawing.

(B) A weekly drawing.

(C) A monthly drawing.

(3) A qualified drawing must be conducted in accordance with the following limitations:

(A) Not more than one (1) daily drawing may be conducted each day.

(B) Not more than one (1) weekly drawing may be conducted each week.

(C) Not more than one (1) monthly drawing may be conducted each month.

(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision (11).

(E) Monthly drawings must be held on regular monthly intervals posted in the information required by subdivision (11).

A weekly or monthly drawing may be conducted on the same day that a daily drawing is conducted.

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(4) Except as otherwise provided in this section, a patron must be present to claim a prize awarded in a qualified drawing.

(5) A qualified organization may not profit from conducting a qualified drawing.

(6) All amounts wagered on qualified drawings must be returned to a qualified organization's patrons in the form of prizes.

(7) A qualified organization may not conduct a qualified drawing or any other event in which the winner of the prize is determined, in whole or in part, by a sporting event.

(8) If no winning ticket is drawn in a qualified drawing, a qualified organization may:

(A) carry the prize over to a later drawing in accordance with this section; or

(B) continue drawing tickets until a winner is drawn.

(9) If a patron who purchased a winning ticket is not present to claim a prize at the time of the qualified drawing, a qualified organization shall hold the prize for the winning patron in accordance with the rules of the qualified organization.

(10) In order to comply with subdivision (9), a qualified organization shall obtain the name, address, and telephone number of each patron who purchases a ticket for a qualified drawing.

(11) A qualified organization must conspicuously display the following information concerning each qualified drawing conducted by the qualified organization:

(A) The price of a ticket.

(B) The time of the drawing.

(C) The description and value of the prizes awarded in the drawing.

(D) The manner in which a prize may be claimed.

(E) The rules of the qualified organization concerning the following:

(i) Qualified drawings in which no winning ticket is drawn.

(ii) The period that the qualified organization will hold a prize for a winning patron who was not present to claim the prize at the time of the qualified drawing.

(12) Notwithstanding any other provision of this chapter, a qualified organization must continue drawing tickets in a monthly drawing until the qualified organization draws a

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ticket purchased by a patron who is present to claim the prize.

(c) When the winning patron is not present at the time of the qualified drawing to claim a prize, the qualified organization shall award the prize in the following manner:

(1) The qualified organization shall immediately notify the winning patron by telephone that the patron's name was drawn in a qualified drawing and that the patron has the time permitted by the rules of the qualified organization, which must be at least seventy-two (72) hours to claim the prize.

(2) The winning patron must appear at the premises of the qualified organization within the time permitted by the rules of the qualified organization to claim the prize in person.

(3) The qualified organization shall verify the identity of the winning patron and award the prize.

(d) This subsection applies when the rules of a qualified organization require the qualified organization to carry over a prize when no winning ticket is drawn and when a winning patron fails to claim a prize in the manner required by subsection (c). The qualified organization shall carry the prize over to a later qualified drawing as follows:

(1) An unclaimed prize from a daily drawing must be carried over to the next daily drawing.

(2) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over the qualified organization must continue drawing tickets until the qualified organization draws a ticket purchased by a patron who is present to claim the prize.

(3) An unclaimed prize from a weekly drawing must be carried over to the next weekly drawing.

(4) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may carry over a prize under subdivision (3) not more than one (1) time. On the day that the qualified organization conducts a weekly drawing for the carried over prize the qualified organization must continue drawing tickets until the qualified organization draws a ticket purchased by a patron who is present to claim the prize.

(e) The following apply to a qualified organization that carries over a prize under subsection (d):

(1) A qualified organization may conduct the daily drawing regularly scheduled for a calendar day occurring during the

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time that the qualified organization holds a prize for a winning patron who was not present at the time of the qualified drawing.

(2) If an unclaimed prize from a daily drawing is carried over to a particular date, the qualified organization may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a weekly drawing is carried over to a particular date, the qualified organization may not conduct the regular weekly drawing that would otherwise be permitted under this section on that date.

(4) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may accept additional entries to a drawing for a carried over prize.

SECTION 9. IC 4-32.2-6-0.5, AS ADDED BY P.L.95-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. As used in this chapter, "gross revenue" does not include any amount wagered on a winner take all **and other qualified drawing drawings** conducted by a qualified organization under ~~IC 4-32.2-4-13(c)~~ **IC 4-32.2-5-24**.

SECTION 10. IC 4-32.2-9-9, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Information obtained by the commission during the course of an investigation conducted under this chapter is confidential.

(b) A driver's license number or other identifying information of an operator or worker that is submitted to the commission on an application for a license under this article is confidential.

SECTION 11. IC 4-36-2-9, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. "Gross receipts" means the total amount of money exchanged for the purchase of ~~raffle tickets~~, pull tabs, punchboards, and tip boards by type II gaming patrons. The term does not include any amount wagered on a winner take all **and other qualified drawing drawings** conducted by a retailer under ~~IC 4-36-5-1(b)(2)~~ **IC 4-36-5-1(c)**.

SECTION 12. IC 4-36-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 15.5. "Qualified drawing" means a random drawing to award one (1) or more prizes that is conducted in the manner required by IC 4-36-5-1(c).**

SECTION 13. IC 4-36-4-5, AS ADDED BY P.L.95-2008,

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SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall charge the following fees for the issuance of a person's initial annual endorsement or license under this chapter:

- (1) Two hundred fifty dollars (\$250) for a retailer's endorsement to conduct a type II gambling operation in the retailer's tavern.
- (2) One thousand dollars (\$1,000) for a distributor's license.
- (3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(b) The commission shall charge the following fees for the renewal of a person's annual endorsement or license under this chapter:

- (1) The amount determined under section 6 of this chapter following amounts for a retailer's endorsement:

(A) One hundred dollars (\$100) in the case of a retailer that had adjusted gross revenues of less than twenty-five thousand dollars (\$25,000) in the previous year.

(B) Two hundred fifty dollars (\$250) in the case of a retailer that had adjusted gross revenues of at least twenty-five thousand dollars (\$25,000) but less than fifty thousand dollars (\$50,000) in the previous year.

(C) Five hundred dollars (\$500) in the case of a retailer that had adjusted gross revenues of at least fifty thousand dollars (\$50,000) but less than one hundred thousand dollars (\$100,000) in the previous year.

(D) One thousand dollars (\$1,000) in the case of a retailer that had adjusted gross revenues of at least one hundred thousand dollars (\$100,000) in the previous year.

- (2) One thousand dollars (\$1,000) for a distributor's license.

- (3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(c) A retailer shall report the amount of the retailer's adjusted gross receipts on the form required to renew the retailer's endorsement. The renewal fee required under subsection (b)(1) must be submitted with the renewal form.

~~(c)~~ (d) The commission shall deposit all fees collected under this chapter into the enforcement and administration fund established under IC 7.1-4-10.

SECTION 14. IC 4-36-4-6, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) For the purposes of ~~subsection (c)~~, **section 5(b)(1) of this chapter**, a retailer's adjusted gross revenue is an amount equal to the difference between:

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(1) the retailer's total gross revenue from the retailer's type II gambling operations in the preceding year; minus

(2) the sum of any amounts deducted under subsection (b) in the preceding year.

(b) To determine the amount of a retailer's adjusted gross revenue from the retailer's type II gambling operations in the preceding year under subsection (a), the retailer shall subtract the following from the retailer's gross receipts:

(1) An amount equal to the total value of the prizes awarded in **type II gambling games** in the preceding year.

(2) The sum of the purchase prices paid for type II gambling games dispensed in the retailer's type II gambling operation in the preceding year.

(3) An amount equal to the amount of license fees paid by the retailer in the preceding year.

(c) The license fee that is charged to a retailer that renews the endorsement must be based on the adjusted gross revenue from the retailer's type II gambling operations in the preceding year, according to the following schedule:

Class	Adjusted Gross Revenues		Fee
	At Least	But Less Than	
A	\$ 0	\$ 15,000	\$ 50
B	\$ 15,000	\$ 25,000	\$ 100
C	\$ 25,000	\$ 50,000	\$ 300
D	\$ 50,000	\$ 75,000	\$ 400
E	\$ 75,000	\$ 100,000	\$ 700
F	\$ 100,000	\$ 150,000	\$ 1,000
G	\$ 150,000	\$ 200,000	\$ 1,500
H	\$ 200,000	\$ 250,000	\$ 1,800
I	\$ 250,000	\$ 300,000	\$ 2,500
J	\$ 300,000	\$ 400,000	\$ 3,250
K	\$ 400,000	\$ 500,000	\$ 5,000
L	\$ 500,000	\$ 750,000	\$ 6,750
M	\$ 750,000	\$ 1,000,000	\$ 9,000
N	\$ 1,000,000	\$ 1,250,000	\$ 11,000
O	\$ 1,250,000	\$ 1,500,000	\$ 13,000
P	\$ 1,500,000	\$ 1,750,000	\$ 15,000
Q	\$ 1,750,000	\$ 2,000,000	\$ 17,000
R	\$ 2,000,000	\$ 2,250,000	\$ 19,000
S	\$ 2,250,000	\$ 2,500,000	\$ 21,000
T	\$ 2,500,000	\$ 3,000,000	\$ 24,000
U	\$ 3,000,000		\$ 26,000



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SECTION 15. IC 4-36-5-1, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A retailer may offer the sale of type II gambling games in accordance with this article.

(b) A retailer's endorsement also authorizes a retailer to conduct the following gambling games on the premises of the retailer's tavern:

(1) Raffles in which the retailer retains the proceeds of the raffle drawing;

(2) Winner take all drawings in which the retailer retains no portion of the amounts wagered;

(c) The total amount awarded to:

(1) patrons who participate in a raffle permitted under subsection (b)(1); or

(2) a patron who participates in a winner take all drawing permitted under subsection (b)(2);

may not exceed three hundred dollars (\$300):

(b) A retailer's endorsement also authorizes a retailer to conduct qualified drawings on the premises of the retailer's tavern. A qualified drawing must be conducted in the manner required by this section.

(c) A qualified drawing is subject to the following rules and limitations:

(1) The purchase price for a chance to win a prize in a qualified drawing may not exceed five dollars (\$5).

(2) The total value of all prizes that may be won in a particular qualified drawing may not exceed three hundred dollars (\$300) for any of the following:

(A) A daily drawing.

(B) A weekly drawing.

(C) A monthly drawing.

(3) A qualified drawing must be conducted in accordance with the following limitations:

(A) Not more than one (1) daily drawing may be conducted each day.

(B) Not more than one (1) weekly drawing may be conducted each week.

(C) Not more than one (1) monthly drawing may be conducted each month.

(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision (11).

(E) Monthly drawings must be held on regular monthly

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- 1 intervals posted in the information required by subdivision
 2 (11).
 3 A weekly or monthly drawing may be conducted on the same
 4 day that a daily drawing is conducted.
 5 (4) Except as otherwise provided in this section, a patron must
 6 be present to claim a prize awarded in a qualified drawing.
 7 (5) A retailer may not profit from conducting a qualified
 8 drawing.
 9 (6) All amounts wagered on qualified drawings must be
 10 returned to a retailer's patrons in the form of prizes.
 11 (7) A retailer may not conduct a qualified drawing or any
 12 other event in which the winner of the prize is determined, in
 13 whole or in part, by a sporting event.
 14 (8) If no winning ticket is drawn in a qualified drawing, a
 15 retailer may:
 16 (A) carry the prize over to a later drawing in accordance
 17 with this section; or
 18 (B) continue drawing tickets until a winner is drawn.
 19 (9) If a patron who purchased a winning ticket is not present
 20 to claim a prize at the time of the qualified drawing, a retailer
 21 shall hold the prize for the winning patron in accordance with
 22 the rules of the retailer.
 23 (10) In order to comply with subdivision (9), a retailer shall
 24 obtain the name, address, and telephone number of each
 25 patron who purchases a ticket for a qualified drawing.
 26 (11) A retailer must conspicuously display the following
 27 information concerning each qualified drawing conducted by
 28 the retailer:
 29 (A) The price of a ticket.
 30 (B) The time of the drawing.
 31 (C) The description and value of the prizes awarded in the
 32 drawing.
 33 (D) The manner in which a prize may be claimed.
 34 (E) The rules of the retailer concerning the following:
 35 (i) Qualified drawings in which no winning ticket is
 36 drawn.
 37 (ii) The period that the retailer will hold a prize for a
 38 winning patron who was not present to claim the prize at
 39 the time of the qualified drawing.
 40 (12) Notwithstanding any other provision of this chapter, a
 41 retailer must continue drawing tickets in a monthly drawing
 42 until the retailer draws a ticket purchased by a patron who is

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present to claim the prize.

(d) When the winning patron is not present at the time of the qualified drawing to claim a prize, the retailer shall award the prize in the following manner:

(1) The retailer shall immediately notify the winning patron by telephone that the patron's name was drawn in a qualified drawing and that the patron has the time permitted by the rules of the retailer, which must be at least seventy-two (72) hours to claim the prize.

(2) The winning patron must appear at the retailer's premises within the time permitted by the rules of the retailer to claim the prize in person.

(3) The retailer shall verify the identity of the winning patron and award the prize.

(e) This subsection applies when the rules of a retailer require the retailer to carry over a prize when no winning ticket is drawn and when a winning patron fails to claim a prize in the manner required by subsection (d). The retailer shall carry the prize over to a later qualified drawing as follows:

(1) An unclaimed prize from a daily drawing must be carried over to the next daily drawing.

(2) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(3) An unclaimed prize from a weekly drawing must be carried over to the next weekly drawing.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (3) not more than one (1) time. On the day that the retailer conducts a weekly drawing for the carried over prize the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(f) The following apply to a retailer that carries over a prize under subsection (e):

(1) A retailer may conduct the daily drawing regularly scheduled for a calendar day occurring during the time that the retailer holds a prize for a winning patron who was not present at the time of a qualified drawing.

(2) If an unclaimed prize from a daily drawing is carried over

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to a particular date, the retailer may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a weekly drawing is carried over to a particular date, the retailer may not conduct the regular weekly drawing that would otherwise be permitted under this section on that date.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may accept additional entries to a drawing for a carried over prize.

SECTION 16. IC 4-36-5-2, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A type II gambling game may be sold under this article only on the premises of the retailer's tavern.

(b) Type II gambling games, raffles, and winner take all drawings **conducted under section 1(c) of this chapter** may not be offered in any part of the retailer's licensed premises in which a minor may be present under IC 7.1-5-7-11(a)(16).

SECTION 17. IC 4-36-5-6, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Except as provided in subsection (b), a type II gambling game must pay out at least seventy-five percent (75%) and not more than one hundred percent (100%) of the amount wagered.

(b) This subsection applies only to a type II gambling game ticket that is sold for less than one dollar (\$1). A type II gambling game subject to this subsection must comply with the following minimum payout percentages:

Purchase Price	Minimum Payout Percentage
\$0.10	60%
\$0.25	65%
Three (3) tickets for one dollar (\$1)	65%
\$0.50	70%

(c) A type II gambling game's ~~pay out~~ **payout** percentage must be stated on the ticket or on the accompanying flare.

SECTION 18. IC 4-36-7-4, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The state police department shall, at the request of the commission, provide the following:

(1) Assistance in obtaining criminal history information relevant to investigations required for honest, secure, **and** exemplary operations under this article.

(2) Any other assistance requested by the executive director and

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1 agreed to by the superintendent of the state police department.

2 (b) Any other state agency, including the Indiana gaming
3 commission and the Indiana professional licensing agency, shall upon
4 request provide the commission with information relevant to an
5 investigation conducted under this article.

6 SECTION 19. IC 4-36-9-1, AS ADDED BY P.L.95-2008,
7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2009]: Sec. 1. **(a)** An excise tax is imposed on the distribution
9 of type II gambling games in the amount of ten percent (10%) of the
10 price paid by the retailer that purchases the type II gambling games.

11 **(b) The excise tax imposed by this section does not apply to the**
12 **distribution of tickets used in qualified drawings.**

13 SECTION 20. IC 35-45-5-12, AS ADDED BY P.L.95-2008,
14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2009]: Sec. 12. This chapter does not apply to the following
16 gambling games licensed or authorized under IC 4-36:

17 (1) Raffles ~~(2)~~ **and** winner take all drawings **conducted under**
18 **IC 4-36-5-1.**

19 ~~(2)~~ **(2)** Type II gambling games.

20 SECTION 21. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning charitable and type II gaming issues.

Page 2, delete lines 8 through 37, begin a new paragraph and insert:

"SECTION 2. IC 4-32.2-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7.5. "Bona fide fraternal organization" means a type of bona fide civic organization that:**

- (1) is a branch, lodge, or chapter of a national organization; and**
- (2) exists for the common charitable purposes, brotherhood, or other interests of its members.**

SECTION 3. IC 4-32.2-2-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 23.5. "Qualified drawing" means a random drawing to award one (1) or more prizes that is conducted in the manner required by IC 4-36-5-1(c).**

SECTION 4. IC 4-32.2-2-24, AS AMENDED BY P.L.227-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 24. (a) "Qualified organization" ~~means:~~ refers to any of the following:**

- (1) A bona fide religious, educational, senior citizens, veterans, or civic organization operating in Indiana that:**
 - (A) operates without profit to the organization's members;**
 - (B) is exempt from taxation under Section 501 of the Internal Revenue Code; and**
 - (C) satisfies at least one (1) of the following requirements:**
 - (i) The organization has been continuously in existence in Indiana for at least five (5) years. ~~or~~**
 - (ii) The organization is affiliated with a parent organization that has been in existence in Indiana for at least five (5) years.**
 - (iii) The organization has reorganized and is continuing its mission under a new name on file with the Indiana secretary of state and with a new tax identification number after having satisfied the requirements set forth in either item (i) or (ii).**

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(2) A bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code). ~~or~~

(3) A state educational institution (as defined in ~~IC 20-12-0.5-1~~; **IC 21-7-13-32**).

(b) For purposes of IC 4-32.2-4-3, a "qualified organization" includes the following:

- (1) A hospital licensed under IC 16-21.
- (2) A health facility licensed under IC 16-28.
- (3) A psychiatric facility licensed under IC 12-25.
- (4) An organization defined in subsection (a).

(c) For purposes of IC 4-32.2-4-10, a "qualified organization" includes a bona fide business organization.

(d) Evidence that an organization satisfies subsection (a)(1)(C)(iii) includes:

- (1) evidence of the organization's continued use of a service mark or trademarked logo associated with the organization's former name;**
- (2) evidence of the continuity of the organization's activities as shown in the federal income tax returns filed for the organization's five (5) most recent taxable years;**
- (3) evidence of the continuity of the organization's activities as shown by the five (5) most recent annual external financial reviews of the organization prepared by a certified public accountant; or**
- (4) any other information considered sufficient by the commission.**

SECTION 5. IC 4-32.2-4-7.5, AS ADDED BY P.L.227-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7.5. (a) ~~Subject to~~ **This section applies only to a qualified organization described in** subsection (h). The commission may issue an annual charity game night license to a qualified organization if:

- (1) the provisions of this section are satisfied; and
- (2) the qualified organization:
 - (A) submits an application; and
 - (B) pays a fee set by the commission under IC 4-32.2-6.

(b) The commission may hold a public hearing to obtain input on the proposed issuance of an annual charity game night license to an applicant that has never held an annual charity game night license under this article.

(c) The first time that a qualified organization applies for an annual

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charity game night license, the qualified organization shall publish notice that the application has been filed by publication at least two (2) times, seven (7) days apart, as follows:

- (1) In one (1) newspaper in the county where the qualified organization is located.
- (2) In one (1) newspaper in the county where the allowable events will be conducted.

(d) The notification required by subsection (c) must contain the following:

- (1) The name of the qualified organization and the fact that it has applied for an annual charity game night license.
- (2) The location where the charity game night events will be held.
- (3) The names of the operator and officers of the qualified organization.
- (4) A statement that any person can protest the proposed issuance of the annual charity game night license.
- (5) A statement that the commission shall hold a public hearing if ten (10) written and signed protest letters are received by the commission.
- (6) The address of the commission where correspondence concerning the application may be sent.

(e) If the commission receives at least ten (10) protest letters, the commission shall hold a public hearing in accordance with IC 5-14-1.5. The commission shall issue a license or deny the application not later than sixty (60) days after the date of the public hearing.

(f) A license issued under this section:

- (1) may authorize the qualified organization to conduct charity game night events on more than one (1) occasion during a period of one (1) year;
- (2) must state the locations of the permitted charity game night events;
- (3) must state the expiration date of the license; and
- (4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(g) Notwithstanding subsection (f)(4), the commission may hold a public hearing for the reissuance of an annual charity game night license if at least one (1) of the following conditions is met:

- (1) An applicant has been cited for a violation of law or a rule of the commission.
- (2) The commission receives at least ten (10) protest letters

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concerning the qualified organization's charity game night operation.

(3) A public hearing is considered necessary by the commission.

(h) ~~Notwithstanding IC 4-32.2-2-24, this section applies only to: A qualified organization may apply for an annual charity game night license under this section if the qualified organization is:~~

(1) a bona fide ~~civic fraternal~~ organization; or

(2) a bona fide veterans organization;

~~that has been continuously in existence in Indiana for ten (10) years. A qualified organization that is not described in this subsection may not apply for an annual charity game night license under this section.~~

(i) A facility or location may not be used for purposes of conducting an annual charity game night event on more than three (3) calendar days per calendar week regardless of the number of qualified organizations conducting an annual charity game night event at the facility or location.

SECTION 6. IC 4-32.2-4-13, AS AMENDED BY P.L.95-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) A bingo license or special bingo license may also authorize a qualified organization to conduct raffle events and door prize drawings and sell pull tabs, punchboards, and tip boards at the bingo event.

(b) A charity game night license may also authorize a qualified organization to:

(1) conduct raffle events and door prize drawings; and

(2) sell pull tabs, punchboards, and tip boards;

at the charity game night.

(c) A raffle license or an annual raffle license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the raffle event.

(d) A door prize license or an annual door prize license may also authorize a qualified organization to conduct a raffle event and to sell pull tabs, punchboards, and tip boards at the door prize event.

(e) A PPT license may also authorize a qualified organization to conduct ~~at any time~~ on the premises described in section 16.5(b) of this chapter ~~a winner take all drawing in which the qualified organization retains no portion of the amounts wagered. The total amount awarded to a patron who participates in a winner take all drawing may not exceed three hundred dollars (\$300).~~ **qualified drawings in the manner required by IC 4-32.2-5-24.**

SECTION 7. IC 4-32.2-5-8, AS AMENDED BY P.L.227-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 8. (a) If ~~facilities are~~ **a facility or location** is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

(b) **Subject to the additional restrictions on the use of a facility or location that are set forth in IC 4-32.2-4-7.5(i)**, a facility or location may not be rented for more than three (3) days during a calendar week for an allowable event.

(c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

SECTION 8. IC 4-32.2-5-14, AS AMENDED BY P.L.95-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) **Except as provided by subsection (c)**, an operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable event that the operator or worker is conducting.

(b) A patron at a charity game night may deal the cards in a card game if:

- (1) the card game in which the patron deals the cards is a game of euchre;
- (2) the patron deals the cards in the manner required in the ordinary course of the game of euchre; and
- (3) the euchre game is played under the supervision of the qualified organization conducting the charity game night in accordance with rules adopted by the commission under IC 4-32.2-3-3.

A patron who deals the cards in a euchre game conducted under this subsection is not considered a worker or an operator for purposes of this article.

(c) **This subsection does not apply to the operator of a festival event. A worker assisting a qualified organization in the conduct of a festival event may make a wager on any game of chance authorized by the qualified organization's festival license except for a game of chance that the worker personally conducts or helps conduct during the festival event.**

SECTION 9. IC 4-32.2-5-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) **A qualified drawing must be conducted in the manner required by this section.**

(b) **A qualified drawing is subject to the following rules and limitations:**

- (1) **The purchase price for a chance to win a prize in a**

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qualified drawing may not exceed five dollars (\$5).

(2) All tickets that a qualified organization sells in a qualified drawing must have been purchased by the qualified organization from a licensed distributor.

(3) The total value of all prizes that may be won in a particular qualified drawing may not exceed three hundred dollars (\$300) for any of the following:

- (A) A daily drawing.
- (B) A weekly drawing.
- (C) A monthly drawing.

(4) A qualified drawing must be conducted in accordance with the following limitations:

- (A) Not more than one (1) daily drawing may be conducted each day.
- (B) Not more than one (1) weekly drawing may be conducted each week.
- (C) Not more than one (1) monthly drawing may be conducted each month.

A weekly or monthly drawing may be conducted on the same day that a daily drawing is conducted.

(5) Except as otherwise provided in this section, a patron must be present to claim a prize awarded in a qualified drawing.

(6) A qualified organization may not profit from conducting a qualified drawing.

(7) All amounts wagered on qualified drawings must be returned to a qualified organization's patrons in the form of prizes.

(8) A qualified organization may not conduct a qualified drawing or any other event in which the winner of the prize is determined, in whole or in part, by a sporting event.

(9) A qualified drawing must conspicuously display the following information concerning each qualified drawing conducted by the qualified drawing:

- (A) The price of a ticket.
- (B) The time of the drawing.
- (C) The description and value of the prizes awarded in the drawing.
- (D) The manner in which a prize may be claimed.

(c) A prize may be awarded under subsection (d) to a patron who is not present at the time of the qualified drawing if the patron provides the patron's name, address, and telephone number to the qualified organization before the drawing to enable the qualified

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organization to award the prize to the patron at a later time. If the winning patron has not provided the information required by this subsection to the qualified organization before the drawing, the qualified organization must continue drawing tickets in the qualified drawing until there is a winner who:

- (1) is present to claim the prize; or
- (2) has provided the information required by this subsection to enable the qualified organization to award the prize to the patron under subsection (d).

(d) When the winning patron is not present to claim a prize but has provided the information required by subsection (c) to the qualified organization, the qualified organization shall award the prize in the following manner:

- (1) The qualified organization shall immediately notify the winning patron by telephone that the patron's name was drawn in a qualified drawing and that the patron has seventy-two (72) hours after the time of the telephone notification to claim the prize.
- (2) The winning patron must appear at the premises of the qualified organization within seventy-two (72) hours after the time of the notification under subdivision (1) to claim the prize in person.
- (3) The qualified organization shall verify the identity of the winning patron and award the prize.

(e) If a winning patron fails to claim a prize in the manner required by subsection (d), the qualified organization shall carry the prize over to a later qualified drawing as follows:

- (1) An unclaimed prize from a daily drawing must be carried over to the next daily drawing.
- (2) An unclaimed prize from a weekly drawing must be carried over to the next weekly drawing.
- (3) An unclaimed prize from a monthly drawing must be carried over to the next monthly drawing.

SECTION 10. IC 4-32.2-6-0.5, AS ADDED BY P.L.95-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. As used in this chapter, "gross revenue" does not include any amount wagered on a ~~winner take all~~ **qualified** drawing conducted by a qualified organization under IC 4-32.2-4-13(e).

SECTION 11. IC 4-32.2-9-9, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Information obtained by the commission during the course of an investigation conducted under this chapter is

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confidential.

(b) A driver's license number or other identifying information of an operator or worker that is submitted to the commission on an application for a license under this article is confidential."

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 14. IC 4-36-4-5, AS ADDED BY P.L.95-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall charge the following fees for the issuance of a person's initial annual endorsement or license under this chapter:

- (1) Two hundred fifty dollars (\$250) for a retailer's endorsement to conduct a type II gambling operation in the retailer's tavern.
- (2) One thousand dollars (\$1,000) for a distributor's license.
- (3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(b) The commission shall charge the following fees for the renewal of a person's annual endorsement or license under this chapter:

- (1) The amount determined under section 6 of this chapter following amounts for a retailer's endorsement:

(A) One hundred dollars (\$100) in the case of a retailer that had adjusted gross revenues of less than twenty-five thousand dollars (\$25,000) in the previous year.

(B) Two hundred fifty dollars (\$250) in the case of a retailer that had adjusted gross revenues of at least twenty-five thousand dollars (\$25,000) but less than fifty thousand dollars (\$50,000) in the previous year.

(C) Five hundred dollars (\$500) in the case of a retailer that had adjusted gross revenues of at least fifty thousand dollars (\$50,000) but less than one hundred thousand dollars (\$100,000) in the previous year.

(D) One thousand dollars (\$1,000) in the case of a retailer that had adjusted gross revenues of at least one hundred thousand dollars (\$100,000) in the previous year.

- (2) One thousand dollars (\$1,000) for a distributor's license.

- (3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(c) A retailer shall report the amount of the retailer's adjusted gross receipts on the form required to renew the retailer's endorsement. The renewal fee required under subsection (b)(1) must be submitted with the renewal form.

~~(c)~~ **(d)** The commission shall deposit all fees collected under this chapter into the enforcement and administration fund established under

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IC 7.1-4-10."

Page 3, line 10, strike "subsection (c)," and insert "**section 5(b)(1) of this chapter**,".

Page 3, strike lines 27 through 42.

Page 4, strike lines 1 through 11.

Page 7, delete lines 29 through 30, begin a new paragraph and insert:

"SECTION 22. IC 4-36-2-16 IS REPEALED [EFFECTIVE JULY 1, 2009].

SECTION 23. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1286 as introduced.)

VAN HAAFTEN, Chair

Committee Vote: yeas 7, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 7.

Page 2, line 20, delete "IC 4-36-5-1(c)." and insert "**IC 4-32.2-5-24**."

Page 5, line 34, reset in roman "winner take all".

Page 5, line 37, before "qualified" insert "**drawings and other**".

Page 6, delete lines 28 through 33, begin a new paragraph and insert:

"(c) This subsection applies only to a festival event. A worker may participate in any event or gambling game conducted at a festival event held by a qualified organization except for an event or gambling game that the worker personally conducts or helps conduct on behalf of the qualified organization."

Page 6, delete line 42.

Page 7, delete lines 1 through 2.

Page 7, line 3, delete "(3)" and insert "**(2)**".

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Page 7, line 9, delete "(4)" and insert "(3)".

Page 7, line 19, delete "(5)" and insert "(4)".

Page 7, line 21, delete "(6)" and insert "(5)".

Page 7, line 23, delete "(7)" and insert "(6)".

Page 7, line 26, delete "(8)" and insert "(7)".

Page 7, line 29, delete "(9)" and insert "(8)".

Page 8, between lines 31 and 32, begin a new line block indented and insert:

"(f) The following apply to a qualified organization that carries over a prize under subsection (e):

(1) If an unclaimed prize from a daily drawing is carried over to a particular date, the qualified organization may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(2) If an unclaimed prize from a weekly drawing is carried over to a particular date, the qualified organization may not conduct the regular weekly drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a monthly drawing is carried over to a particular date, the qualified organization may not conduct the regular monthly drawing that would otherwise be permitted under this section on that date."

Page 8, line 35, strike "a".

Page 8, line 35, reset in roman "winner take all".

Page 8, line 35, before "qualified" insert "**and other**".

Page 8, line 35, strike "drawing" and insert "**drawings**".

Page 8, line 36, strike "IC 4-32.2-4-13(e)." and insert "**IC 4-32.2-5-24.**".

Page 9, line 8, strike "a".

Page 9, line 8, reset in roman "winner take all".

Page 9, line 8, before "qualified" insert "**and other**".

Page 9, line 8, strike "drawing" and insert "**drawings**".

Page 9, line 9, delete "IC 4-36-5-1(b)." and insert "**IC 4-36-5-1(c).**".

Page 11, delete lines 40 through 42.

Page 12, line 1, delete "(3)" and insert "(2)".

Page 12, line 7, delete "(4)" and insert "(3)".

Page 12, line 17, delete "(5)" and insert "(4)".

Page 12, line 19, delete "(6)" and insert "(5)".

Page 12, line 21, delete "(7)" and insert "(6)".

Page 12, line 23, delete "(8)" and insert "(7)".

Page 12, line 26, delete "(9)" and insert "(8)".

Page 13, between lines 23 and 24, begin a new line blocked

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indented and insert:

"(g) The following apply to a retailer that carries over a prize under subsection (f):

(1) If an unclaimed prize from a daily drawing is carried over to a particular date, the retailer may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(2) If an unclaimed prize from a weekly drawing is carried over to a particular date, the retailer may not conduct the regular weekly drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a monthly drawing is carried over to a particular date, the retailer may not conduct the regular monthly drawing that would otherwise be permitted under this section on that date."

Page 13, line 28, after "games" insert ",".

Page 13, line 28, reset in roman "raffles, and winner take all".

Page 13, line 28, after "take all" delete "and".

Page 13, line 29, delete "qualified".

Page 13, line 29, after "drawings" insert **"conducted under section 1(c) of this chapter"**.

Page 14, delete lines 26 through 34, begin a new paragraph and insert:

"SECTION 21. IC 35-45-5-12, AS ADDED BY P.L.95-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. This chapter does not apply to the following gambling games licensed or authorized under IC 4-36:

(1) Raffles ~~(2)~~ and winner take all drawings conducted under IC 4-36-5-1.

~~(2)~~ (2) Type II gambling games."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1286 as printed February 20, 2009.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1286 be amended to read as follows:

Page 6, delete lines 4 through 8, begin a new paragraph and insert:

"(c) A worker at a festival event may participate as a player in any gaming activity offered at the festival event except as follows:

(1) A worker may not participate in any game during the time in which the worker is conducting or helping to conduct the game.

(2) A worker who conducts or helps to conduct a pull tab, punchboard, or tip board event during a festival event may not participate as a player in a pull tab, punchboard, or tip board event conducted on the same calendar day."

(Reference is to EHB 1286 as printed April 3, 2009.)

ALTING

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1286 be amended to read as follows:

Page 6, between lines 30 and 31, begin a new line double block indented and insert:

"(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision (11).

(E) Monthly drawings must be held on regular monthly intervals posted in the information required by subdivision (11)."

Page 6, after line 42, begin a new line block indented and insert:

"(8) If no winning ticket is drawn in a qualified drawing, a qualified organization may:

(A) carry the prize over to a later drawing in accordance with this section; or

(B) continue drawing tickets until a winner is drawn.

(9) If a patron who purchased a winning ticket is not present to claim a prize at the time of the qualified drawing, a qualified organization shall hold the prize for the winning patron in accordance with the rules of the qualified organization.



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(10) In order to comply with subdivision (9), a qualified organization shall obtain the name, address, and telephone number of each patron who purchases a ticket for a qualified drawing."

Page 7, line 1, delete "(8)" and insert "**(11)**".

Page 7, line 1, delete "drawing" and insert "**organization**".

Page 7, line 3, delete "drawing:" and insert "**organization:**".

Page 7, delete lines 9 through 21, begin a new line double block indented and insert:

"(E) The rules of the qualified organization concerning the following:

(i) Qualified drawings in which no winning ticket is drawn.

(ii) The period that the qualified organization will hold a prize for a winning patron who was not present to claim the prize at the time of the qualified drawing.

(12) Notwithstanding any other provision of this chapter, a qualified organization must continue drawing tickets in a monthly drawing until the qualified organization draws a ticket purchased by a patron who is present to claim the prize."

Page 7, line 22, delete "(d)" and insert "**(c)**".

Page 7, line 22, after "present" insert "**at the time of the qualified drawing**".

Page 7, line 22, delete "prize but" and insert "**prize,**".

Page 7, delete line 23.

Page 7, line 24, delete "qualified organization,".

Page 7, line 28, after "has" insert "**the time permitted by the rules of the qualified organization, which must be at least**".

Page 7, line 29, delete "after the time of the telephone".

Page 7, line 30, delete "notification".

Page 7, line 32, delete "seventy-two (72) hours after the" and insert "**the time permitted by the rules of the qualified organization**".

Page 7, line 33, delete "time of the notification under subdivision (1)".

Page 7, line 37, delete "(e) If" and insert "**(d) This subsection applies when the rules of a qualified organization require the qualified organization to carry over a prize when no winning ticket is drawn and when**".

Page 7, line 38, delete "(d), the" and insert "**(c). The**".

Page 7, between lines 41 and 42, begin a new line block indented and insert:

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"(2) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over the qualified organization must continue drawing tickets until the qualified organization draws a ticket purchased by a patron who is present to claim the prize."

Page 7, line 42, delete "(2)" and insert "(3)".

Page 8, delete lines 2 through 3, begin a new line block indented and insert:

"(4) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may carry over a prize under subdivision (3) not more than one (1) time. On the day that the qualified organization conducts a weekly drawing for the carried over prize the qualified organization must continue drawing tickets until the qualified organization draws a ticket purchased by a patron who is present to claim the prize."

Page 8, line 4, delete "(f)" and insert "(e)".

Page 8, line 5, delete "(e):" and insert "(d):".

Page 8, between lines 5 and 6, begin a new line block indented and insert:

"(1) A qualified organization may conduct the daily drawing regularly scheduled for a calendar day occurring during the time that the qualified organization holds a prize for a winning patron who was not present at the time of the qualified drawing."

Page 8, line 6, delete "(1)" and insert "(2)".

Page 8, line 10, delete "(2)" and insert "(3)".

Page 8, delete lines 14 through 17, begin a new line block indented and insert:

"(4) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may accept additional entries to a drawing for a carried over prize."

Page 11, between lines 41 and 42, begin a new line double block indented and insert:

"(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision (11).

(E) Monthly drawings must be held on regular monthly intervals posted in the information required by subdivision (11)."

Page 12, between lines 10 and 11, begin a new line block indented

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and insert:

"(8) If no winning ticket is drawn in a qualified drawing, a retailer may:

(A) carry the prize over to a later drawing in accordance with this section; or

(B) continue drawing tickets until a winner is drawn.

(9) If a patron who purchased a winning ticket is not present to claim a prize at the time of the qualified drawing, a retailer shall hold the prize for the winning patron in accordance with the rules of the retailer.

(10) In order to comply with subdivision (9), a retailer shall obtain the name, address, and telephone number of each patron who purchases a ticket for a qualified drawing."

Page 12, line 11, delete "(8)" and insert "(11)".

Page 12, delete lines 19 through 30, begin a new line double block indented and insert:

"(E) The rules of the retailer concerning the following:

(i) Qualified drawings in which no winning ticket is drawn.

(ii) The period that the retailer will hold a prize for a winning patron who was not present to claim the prize at the time of the qualified drawing.

(12) Notwithstanding any other provision of this chapter, a retailer must continue drawing tickets in a monthly drawing until the retailer draws a ticket purchased by a patron who is present to claim the prize."

Page 12, line 31, delete "(e)" and insert "(d)".

Page 12, line 31, after "present" insert **"at the time of the qualified drawing"**.

Page 12, line 31, delete "prize but" and insert **"prize,"**.

Page 12, delete line 32.

Page 12, line 33, delete "retailer,".

Page 12, line 36, after "has" insert **"the time permitted by the rules of the retailer, which must be at least"**.

Page 12, line 36, delete "from".

Page 12, line 37, delete "the time of the telephone notification".

Page 12, line 39, delete "seventy-two (72) hours" and insert **"the time permitted by the rules of the retailer"**.

Page 12, line 42, delete "(f) If" and insert **"(e) This subsection applies when the rules of a retailer require the retailer to carry over a prize when no winning ticket is drawn and when"**.

Page 13, line 1, delete "(e), the" and insert **"(d). The"**.

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Page 13, between lines 4 and 5, begin a new line block indented and insert:

"(2) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize."

Page 13, line 5, delete "(2)" and insert "(3)".

Page 13, delete lines 7 through 8, begin a new line block indented and insert:

"(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (3) not more than one (1) time. On the day that the retailer conducts a weekly drawing for the carried over prize the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize."

Page 13, line 9, delete "(g)" and insert "(f)".

Page 13, line 10, delete "(f):" and insert "(e):".

Page 13, between lines 10 and 11, begin a new line block indented and insert:

"(1) A retailer may conduct the daily drawing regularly scheduled for a calendar day occurring during the time that the retailer holds a prize for a winning patron who was not present at the time of a qualified drawing."

Page 13, line 11, delete "(1)" and insert "(2)".

Page 13, line 15, delete "(2)" and insert "(3)".

Page 13, delete lines 19 through 22, begin a new line block indented and insert:

"(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may accept additional entries to a drawing for a carried over prize."

(Reference is to EHB 1286 as printed April 3, 2009.)

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